THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 13455of 2007

Date:28-06-2007

Between:

K.Venkata Suryanarayana Raju ..
PETITIONER

AND

The State of A.P. rep. By its Principal Secretary, Home Dept.Hyderabad.

..
RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the 3rd respondent in repeatedly insisting the petitioner to appear before him and directing him to stop development work in his land in an extent of Ac.6.44 cents covered by Sy.No.18/3 and patta No.32 of Appikonda village situated in Greater Visakhapatnam Municipal Corporation limits, as illegal and arbitrary.

The grievance of the petitioner and others is that they purchased Ac.6.44 cents in Sy.No.18/3 and patta No.32 of Appikonda village situated in Greater Visakhapatnam Municipal Corporation limits under registered sale deed, dated 06.01.2007. It is stated that one Appala Swamy @ Chinna and others filed the suit O.S.NO.73 of 2007 on the file of the Additional District Judge, Visakhapatnam against the petitioner and others to declare the sale deed executed by the vendors as illegal and also to grant injunction. It is stated that while the said suit is pending, the third respondent is interfering with the civil disputes.

I am of the opinion that when the third respondent is interfering with the civil disputes, the petitioner could have made a representation to the second respondent ventilating his grievance. But, without making such a representation to the second respondent to prevent the third respondent from unnecessarily interfering with the civil disputes, it is not just and proper to issue a writ of mandamus.

Accordingly, the writ petition is dismissed with liberty to file a representation before the second respondent for appropriate relief. No costs.

V.ESWARAIAH, J.

Date:28.06.2007
ccm